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7 JAMIE MADRIGAL MENDEZ,
8 Plaintiff,
9 v.
10 C-TWO GROUP, INC., et al.,
11 Defendants.

Case No. 13-cv-05914-HSG

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**ORDER DENYING STIPULATION
REGARDING PROPOSED CLASS
NOTICE PLAN AND DIRECTING AN
AMENDED STIPULATION**

Re: Dkt. No. 93

Before the Court is the stipulation setting forth the proposed class notice plan filed by Plaintiff Jamie Mendez (“Plaintiff”) and Defendants C-Two Group, Inc. and C & L Associates, Inc. (collectively, “Defendants”). Dkt. No. 93 (“Stip.”). The Court has carefully considered the proposed notice plan and hereby **DENIES** the stipulation and **DIRECTS** the parties to file an amended stipulation and proposed notice plan that is drafted in light of the comments below.

“[Federal] Rule [of Civil Procedure] 23(d) gives district courts the power to regulate the notice and opt-out processes[.]” *Wang v. Chinese Daily News, Inc.*, 623 F.3d 743, 756 (9th Cir. 2010), *vacated on other grounds by Chinese Daily News, Inc. v. Wang*, 132 S. Ct. 74 (2011); Fed. R. Civ. P. 23(d) (“[T]he court may issue orders that . . . deal with [Rule 23] procedural matters.”).

The parties’ proposed notice program provides for notice to the class by email. Stip. ¶ 5.c. The proposed notice program further provides that requests for exclusion from the class “shall be addressed to the Court [courtesy of] the Notice Administrator [at a mailing address.]” *Id.* ¶ 5.f. Class members are not provided with any opt-out form, but instead must create their own form that must include: “(1) the name of this lawsuit *Mendez v. C-Two Group, Inc., et al.*, Case No. 13-cv-05914-HSG; (2) the Class member’s full name and current address; (3) a clear statement of the intention to opt out of the Class, such as ‘I wish to be excluded from the Class’; and (4) the Class member’s signature[.]” *Id.* ¶ 6.

1 The Court finds that the following changes to the parties' proposed method for submitting
2 requests for exclusion are required. Class members must be provided with a standard opt-out form
3 that is attached to the notice email along with the class notice, which itself should be amended to
4 reflect the inclusion of an opt-out form. Under no circumstances should the opt-out form (or any
5 other comment form) be addressed to the Court, even if only "courtesy of" the class administrator.
6 Under this approach, the Court may well receive some communications from the class that are
7 appropriately addressed to the class administrator.

8 Finally, in their amended stipulation, the parties should explain their plan for providing
9 notice to those class members for whom the initial email notice "bounces back" as undeliverable.

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11 **IT IS SO ORDERED.**

12 Dated: December 28, 2015



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14 HAYWOOD S. GILLIAM, JR.
15 United States District Judge